




FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

Memorandum

TO: Director, Reference Information Center
Chief, Wireless Telecommunications Bureau

FROM:  Daniel M. Armstrong
Associate General Counsel

SUBJECT: *Mobile Relay Associates v. FCC*, No. 07-1218. Filing of a Notice of Appeal in the United States Court of Appeals for the District of Columbia Circuit.

DATE: June 26, 2007

This is to advise you that, on June 19, 2007, Mobile Relay Associates ("MRA") filed a Notice of Appeal in the U.S. Court of Appeals for the District of Columbia Circuit, pursuant to 47 U.S.C. § 402(b), of the following order: *Improving Public Safety Communications in the 800 MHz Band; Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels; etc.*, Second Memorandum Opinion and Order, WT Docket No. 02-55, 22 FCC Rcd 10467 (2007).

The Commission has implemented a plan for restructuring the 800 MHz spectrum band that will allow certain existing users to move into a portion of the spectrum, called the ESMR block, that will allow the use of high-density cellular system architecture but will prohibit other existing users from moving into the ESMR block. MRA is an existing user that will not be allowed to move into the ESMR block under the restructuring plan. It asked for a waiver of the rule barring the move, and the Commission denied the waiver. MRA now challenges the denial of its waiver.

The Court has docketed this case as No. 07-1218. The attorney assigned to handle the litigation of this case is Joel Marcus.